

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the MID-AMERICA)	
CARPENTERS REGIONAL COUNCIL)	
HEALTH FUND, et al.,)	
Plaintiffs,)	Case No. 22-cv-6893
)	
v.)	Judge Andrea R. Wood
)	
PAC LEADERS LLC d/b/a PAC LEADERS and)	
MELVIN HENLEY,)	
)	
Defendants.)	

Motion to Reinstate and for Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to
reinstate this case and enter judgment and in support state:

1. This is an ERISA trust fund case for delinquent contributions and the ERISA damages.
2. On October 30, 2023, this case was dismissed without prejudice and with leave to reinstate on or before September 15, 2024. (Dkt. 31)
3. The Plaintiffs and Defendants entered into a Settlement Agreement, (“Agreement”) whereby the Defendant agreed to pay \$211,238.08 in partial payments beginning on November 1, 2023. (Exhibit A, Settlement Agreement ¶ 2)
4. If PAC Leaders LLC d/b/a PAC Leaders defaulted on the payments, the Plaintiffs retained the right to reinstate this case and enter judgment for the balance owed on the Agreement, plus any additional contributions owed, accrued interest, accrued liquidated damages and the attorney fees in preparation and in the enforcement of the Agreement. (The balance owed pursuant to the Agreement also included

\$11,422.00 in the Plaintiffs' attorney fees incurred prior to the execution of the Agreement.) (Exhibit A, ¶¶ 6 and 2)

5. Additionally, in the event of a breach of the Agreement, the owner, Melvin Henley, agreed to be personally liable for the dues (\$10,143.88) and vacations savings (\$7,214.80) deducted from the employees' paychecks in the amount of \$17,358.68.

6. The Defendant defaulted on the Agreement by both failing to make payments on the agreed amount and remaining current on its monthly reporting and payment obligations to the Plaintiffs for the months January and February 2024. As a result of the default the Defendant now owes the Plaintiff \$322,509.21 which represents the balance due on the agreement plus delinquent contributions, the accrued interest, accrued liquidated damages and attorney fees. (See Declarations, Exhibits B and C.)

7. PAC Leaders LLC d/b/a PAC Leaders submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$200,915.23 for the months of May 2023 through December 2023. (Exhibit B, Declaration of John Conklin, Manager, Contributions Department)

8. PAC Leaders LLC d/b/a PAC Leaders owes interest on the unpaid ERISA contributions in the amount of \$8,052.73 pursuant to the Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

9. PAC Leaders LLC d/b/a PAC Leaders owes liquidated damages on the unpaid ERISA contributions in the amount of \$81,923.07 for the period May 2022 through December 2023 pursuant to the Agreement, Delinquency Collection Procedure, Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

10. PAC Leaders LLC d/b/a PAC Leaders owes the sum of \$2,837.50 for necessary and reasonable attorney fees in the enforcement of the Agreement and \$11,422.00 agreed to by the Defendant in the Agreement. (Exhibit C, Declaration of Daniel P. McAnally, Exhibit A ¶ 1,)

WHEREFORE, Plaintiffs pray that this case be reinstated and that judgment be entered against PAC Leaders LLC d/b/a PAC Leaders, Inc. in the amount of \$322,509.21 and also against Melvin Henley in the amount of \$17,358.68 representing the following amounts:

a)	ERISA Contributions (05/23 - 12/23)	\$200,915.23
b)	Interest on ERISA Contributions	\$8,052.73
c)	Liquidated Damages (05/22 - 12/23)	\$81,923.07
d)	Union Dues (05/23 - 12/23)	\$10,143.88
e)	Vacation Savings Deductions	\$7,214.80
f)	Attorney Fees and Costs	\$2,837.50
g)	Attorney Fees (Settlement Agreement)	\$11,422.00.

Respectively submitted,

/s/ Daniel P. McAnally

Attorney for Plaintiffs
McGann, Kettermann & Rioux
111 E. Wacker Drive - Suite 2300
Chicago, IL 60601
(312) 251-9700
dmcanally@mkrlaborlaw.com